



February 28, 2019

Via Email

Rachael Doud
Assistant United States Attorney
86 Chamber Street, Third Floor
New York, NY 10007
rachael.doud@usdoj.gov

Re: *Quero et al. v. DeVos*, No. 18 Civ. 9509 (GBD)

Dear Rachael:

As we discussed with the Court at the February 21, 2019 conference, Plaintiffs request that the Department of Education (the “Department”) provide the following information and documents by March 28, 2019:

1. A copy of any email sent to Plaintiff Courtney Francis notifying him that the closed school discharge notice was available in his online servicer account.
2. A copy of any email sent to Plaintiff Kellin Rodriguez notifying him that the closed school discharge notice was available in his online servicer account.
3. Copies of all communications to each Named Plaintiff regarding his election of electronic correspondence in connection with *either* studentloans.gov or his online servicer account (other than the terms and conditions for studentloans.gov, which you provided by email on February 1st).
4. To the extent you are unable to provide responses to #1-3, please provide policies of the Department and the applicable Servicer regarding the transmission of these communications to borrowers.
5. Please confirm that the studentloans.gov terms and conditions that you provided by email on February 1st were the terms and conditions used at the time each Named Plaintiff made any electronic correspondence election in connection with studentloans.gov. If they were not, please provide the studentloans.gov terms and conditions used at those times.
6. Records showing on what date each of the three Named Plaintiffs created his online servicer account. (Based our review of records, we believe that Mr. Francis and Mr. Rodriguez created their accounts on or around September 26, 2018, and that Mr. Quero

created his account on or around November 18, 2018.)

7. Please confirm that Plaintiff Christopher Quero was never sent a closed school discharge notice (which we understand was because he had already applied for a closed school discharge at the time OSLA sent out the notices to its borrowers). If this is not correct, please provide a copy of the notice provided to Mr. Quero and any email sent to Mr. Quero notifying him that the notice was available in his online servicer account.

For the purposes of the parties' motion practice, we will consider all documents that you have already provided to us by email to have been formally produced, and will consider any facts that you have provided to us by email to have been admitted. If you have any corrections to documents or information you have already provided, please provide those corrections by March 28, 2019.

Finally, please note that we have narrowly tailored these requests, as we represented to you and to the Court. We understand that the Department may also be requesting documents from the Named Plaintiffs. If we believe that such requests exceed the scope of the requests outlined in this letter, we will contact you by no later than Monday, March 4, so that we can ensure that a similar scope of discovery is available to each side, including by amending these requests if we believe that is appropriate.

Sincerely,



Danielle Tarantolo
Counsel for Plaintiffs